

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

April 18, 2005

DIVISION ONE

B175113 People (Not for Publication)
v.
David Camargo

The judgment is affirmed.

Suzukawa, J. (Assigned)

We concur: Mallano, Acting P.J.
 Vogel (Miriam A.), J.

B168645 Porsche Financial Services
v. .
Shiu Lit Kwan

The Court:

The petition for rehearing is denied because the arguments made in the petition were not presented in opposition to the motion for summary judgment, and the evidence needed to support such arguments was not presented in the separate statement filed in opposition to the motion for summary judgment.

B175182 Masafumi Miyamoto
v.
Deutz AG, Harbor Diesel, Inc.

Filed order denying petition for rehearing.

April 18, 2005 (Continued)

DIVISION TWO

Court convened at 9:00 a.m.

Present: Boren, P.J., Doi Todd, J., Ashmann-Gerst, J., Nott, J. (Assigned) and Joyce Hatter, Deputy Clerk.

Each of the following:

B173702 People v. Cooper
B173411 People v. Kim
B171102 People v. Tirado

Argument waived, cause submitted.

B172771 People
 v.
 Stoval

Merits:

Argued by Corey J. Robins, Deputy Attorney General for respondent and by John Lanahan for appellant. Cause submitted.

B173864 Evans, et al.
 v.
 City of Beverly Hills

Merits:

Argued by David L. Gernsbacher for appellants and by Mitchell E. Abbott for respondent. Cause submitted.

B172680 Collins
 v.
 Los Angeles County Office of Education

Merits:

Argued by Sylvia L. Paoli for appellant and by Stephen Birgel for respondent. Cause submitted.

DIVISION TWO (Continued)

B169775 People
 v.
 Lennon

Merits:
Argued by Susan Lee Frierson, Deputy Attorney General for respondent
and by Kevin B. McDermott for appellant. Cause submitted.

B174023 Markowitz
 v.
 Herbert

Merits:
Argued by Steven Sandler for appellant and by Daniel B. Herbert for
respondent. Cause submitted.

B168326 Lucas, et al.
 v.
 Volpe, et al.

Merits:
Argued by David Burkenroad for appellants and by John A. Bunnett for
respondents. Cause submitted.

B173288 Garcia
 v.
 Emergency Medical Services Authority, et al.

Merits:
Argued by Rees Lloyd for appellant and by Jennifer M. Kim, Deputy
Attorney General for respondents. Cause submitted.

April 18, 2005 (Continued)

DIVISION TWO (Continued)

B171403 Carpenter
 v.
 Jack in the Box Corp.

Merits:
Argued by Geraldine M. Dart for respondent and by Sylvia Havens for
appellant. Cause submitted.

Court recessed.

Court reconvened at 1:00 PM

Present: Boren, P.J., Doi Todd, J., Ashmann-Gerst, J., Nott, J. (Assigned) and Jim
Guzman, Deputy Clerk.

Each of the following:

B175349 People v. Alcantar & Vargas
B173700 People v. Williams
B173764 People v. Hicks
B178638 In re: James Robert S.
B177344 In re: Herman H. et al.

Argument waived, cause submitted.

B175225 People
 v.
 Pinedo

Merits:
Argued by Matthew G. Monforton, Deputy District Attorney for appellant
and by Jeff Kravitz for respondent. Cause submitted.

DIVISION TWO (Continued)

B169140 People
 v.
 Medina

Merits:
Argued by John Colucci for appellant and by Richard Moskowitz for respondent. Cause submitted.

B171348 People
 v.
 Medina

Merits:
Argued by John Colucci for appellant and by Lauren Dana, Deputy Attorney General for respondent. Cause submitted.

B174244 Lopez et al.
 v.
 Sears, Roebuck and Co.

Merits:
Argued by Gerald Peters for appellants and by Daniel Kenney for respondent. Cause submitted.

B155109 Watson Land Co.
 v.
 Shell Oil Co.

Merits:
Argued by Michael Leslie for appellants and by Maureen Bright for appellant. Cause submitted.

Nott, J. (Assigned) leaves bench

April 18, 2005 (Continued)

DIVISION TWO (Continued)

B169365 Valu Gas Inc. et al.
v.
Equilon Enterprises LLC

Merits:
Argued by Nikki Fong for appellants and by Marie Yeates for appellants.
Cause submitted.

Court adjourned.

DIVISION THREE

B180336 People v. Horsley (Not for Publication)

The judgment (order revoking probation) is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

DIVISION FOUR

B174323 Los Angeles County, D.C.S. (Not for Publication)
v.
Lakeitha W., et al.

The orders are affirmed.

Epstein, P.J.

We concur: Hastings, J.
 White, J. (Assigned)

April 18, 2005 (Continued)

DIVISION FOUR (Continued)

B174478 People (Not for Publication)
v.
Musharbash

Appellant's sentence is reversed and the matter is remanded for resentencing in accordance with the views expressed in this opinion and in all other respects, the judgment is affirmed.

Hastings, J.

We concur: Epstein, P.J.
Curry, J.

B171307 Kerry (Not for Publication)
v.
City of West Covina

The judgment is hereby modified to reflect that interest will accrue at the rate of 7 percent per annum from the date of entry of judgment until paid. As modified, the judgment is affirmed. The parties shall bear their own costs.

Curry, J.

We concur: Epstein, P.J.
Hastings, J.

B168705 Mileikowsky (Certified for Publication)
v.
Tenet Healthsystem et al.

The judgment is affirmed.

Curry, J.

We concur: Hastings, Acting P.J.
Grimes, J. (Assigned)

April 18, 2005 (Continued)

DIVISION FOUR (Continued)

B174486 People (Not for Publication)
v.
Hernandez

The judgment is modified to reflect that appellant's term of imprisonment on count 1 for continuous sexual abuse (§288.5, subd. (a)) is 12 years. In all other respects, the judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment to reflect this modification.

Curry, J.

I concur: Epstein, P.J.
I dissent: Grimes, J. (Assigned) (Opinion)

B175093 Mariscal
v.
Employee Relations Board et al.

Filed order denying petition for rehearing.

DIVISION FIVE

B176828 Robyn Sheets (Not for Publication)
v.
County of Los Angeles

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

We concur: Turner, P.J.
Kriegler, J.

April 18, 2005 (Continued)

DIVISION SIX

B177440 People (Not for Publication)
v.
Russell

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Yegan, J.

B178684 People (Not for Publication)
v.
Ohl

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

B179165 Santa Barbara Co. Child Protective Services (Not for Publication)
v.
Linda B.,

The judgment (order terminating parental rights) is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

April 18, 2005 (Continued)

DIVISION SIX (Continued)

B175352 People (Not for Publication)
v.
Pyle

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

B175993 Calif. Insurance Guarantee Assoc. (Certified for Publication)
v.
Worker's Compensation Appeals Board
Argonaut Insurance Co., Respondent

Section 1063.1, subdivisions (c)(5) and (c)(9)(ii) bar Argonaut's reimbursement claim. The WCAB's order is annulled. We remand with instructions to respondent WCAB to vacate its order and issue a new order denying Argonaut's reimbursement claim.

Perren, J.

We concur: Gilbert, P.J.
 Coffee, J.

B176898 People (Not for Publication)
v.
Jones

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

April 18, 2005 (Continued)

DIVISION SIX (Continued)

B161737 Santa Maria Enterprises
 v.
 Texaco Exploration & Prod.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

B167996 Munari
 v.
 City of El Paso Robles et al.,

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)